IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 836 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI
and
Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PAYAL KETANKUMAR VORA,D/O BHARATKUMAR SHANTILAL MEHTA
Versus
KETAN CHIMANLAL VORA

Appearance:
1. First Appeal No. 836 of 2002
MR MG NAGARKAR for appellant No. 1
MR SURESH M SHAH for Respondent No. 1
MR MEHUL S SHAH for Respondent No. 1
MR HS MUNSHAW for Respondent No. 2
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE D.K.TRIVEDI
and
MR.JUSTICE K.M.MEHTA

Date of decision: 14/02/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE D.K.TRIVEDI)

Perused the office submission dated 11.2.2003 with the Note filed by Mr. Shah, advocate for the respondent No.1 dated 4.2.2003. A copy of the note is also served on Mr. Nagarkar, who is appearing for the appellant. Appellant Ms.Payal Ketankumar Vora as well as respondent - Mr.Ketan Chimanlal Vora, both are present before us and the counsel appearing in the matter had identified the parties before us. We have also perused the earlier order passed by the Division Bench on 18.12.2002 and the document in the form of affidavit of Ms. Payal dated 18.12.2002. As found from the said order, the court has kept the matter as part heard as requested by the parties. However, the Bench presided over by K.R.Vyas,J is not available for judicial work today and accordingly the matter is notified before us and we have also ascertained from appellant Ms.Payal as well as Mr.Ketan, who in term had stated before us that they have settled their dispute out of court and the appellant Ms. Payal is not interested in prosecuting the present Appeal and prays for withdrawal of the said Appeal.

The challenge in this Appeal filed by appellant Ms. Payal is in respect of the consent decree passed by the Family Court under Section 13(B) of the Hindu Marriage Act dated 27.3.2002 and as per the said consent decree, the marriage of the appellant with the respondent No.1 was declared as dissolved from the date of the decree under Section 13(B) of the Hindu Marriage Act.

As observed earlier, the appellant Ms.Payal has in term expressed her desire that she may be permitted to withdraw the Appeal filed by her. She has also stated before us that she had already married to a boy and further respondent - Mr.Ketan has also handed over the flat to her and she is occupying the said flat.

In view of the fact that the appellant is not interested in prosecuting her appeal and prays for withdrawal of the Appeal, Appeal stands disposed of as withdrawn, with no order as to costs.

(D.K.Trivedi,J)

(K.M.Mehta,J)

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